

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

APPLIED SIGNAL TECHNOLOGY, INC.,

No. C-09-02180 SBA (DMR)

Plaintiff,

**ORDER DENYING REQUEST TO FILE
JOINT DISCOVERY LETTER UNDER
SEAL WITHOUT PREJUDICE**

v.

EMERGING MARKETS
COMMUNICATIONS, INC. ET AL,

Defendants.

The court is in receipt of Defendants ViaSat, Inc. and Teledyne Paradise Datacom, LLC's Motion for Administrative Relief for permission to file a joint discovery letter dated February 24, 2012 under seal in its entirety.¹ [Docket No. 319.] Pursuant to Civil Local Rule 79-5, "a sealing order may issue only upon a request that establishes that the document, or portions thereof, is privileged or protectable as a trade secret or otherwise entitled to protection under the law." N.D. Civ. L.R. 79-5(a). Further, "[t]he request must be narrowly tailored to seek sealing only of sealable material." *Id.*

¹ The parties also filed a stipulation regarding the motion for administrative relief in which they jointly request that the court grant Defendants' motion. [Docket No. 319-1.] The court notes that Civil Local Rule 79-5(a) provides that a stipulation that allows a party to designate documents as sealable "will not suffice to allow the filing of documents under seal."

1 The court has reviewed the documents Defendants seek to file under seal and finds that
2 Defendants' request to seal the documents in their entirety is overly broad. Defendants have failed
3 to establish that the contents of the letter and its attachments are "privileged or protectable as a trade
4 secret or otherwise entitled to protection under the law." N.D. Civ. L.R. 79-5(a). Accordingly,
5 Defendants' Motion for Administrative Relief is DENIED WITHOUT PREJUDICE. The court
6 grants Defendants leave to re-file a new request to file the joint letter and its attachments under seal
7 that is "narrowly tailored to seek sealing only of sealable material" and complies with Civil Local
8 Rule 79-5. Such request must be filed by **no later than March 7, 2012**.

9
10 IT IS SO ORDERED.

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12 Dated: March 2, 2012

